

## **REMARKS**

### **Status of claims:**

Claims 1, 15, 17-30, 32-34, 36-45, 48-50 and 63-67 are under consideration. Claims 2-4, 9-14, 16, 31, 35 and 46-47 are canceled without prejudice or disclaimer. Applicants reserve the right to prosecute the canceled subject matter in a divisional or continuation. Claims 5-8, 51-62 and 68-73 are withdrawn as drawn to non-elected inventions.

Claims 1, 18, 32, 37 and 45 are amended to incorporate the limitations of previously dependent claim 14, deleting recitation to PEG and aminopolycarboxylates and including recitation of TETA. The amendment is supported by original claim 14 and in the published Specification (Publ. No. 20040185053) at least at Paragraphs 0033 and 0071.

Claim 14 is canceled herein as redundant with amended claim 1.

Applicant submits that no new matter is added by the amendment.

### **Rejection of claims under 35 U.S.C. 103**

Claims 1, 17-24, 27-30, 33-34, 36-43 and 48-50 were rejected under 35 U.S.C. 103 as unpatentable over Chari et al. (WO 01/24763, hereafter "Chari") in view of Hsel et al. (U.S. 7,122,636, hereafter "Hsel").

Claims 25 and 44 were rejected under 35 U.S.C. 103 as unpatentable over Chari et al. in view of Hsel et al. and further in view of Newton et al. (Blood 2001, 97:528-35, hereafter "Newton").

Claims 63-66 and 68 were rejected under 35 U.S.C. 103 as unpatentable over Chari et al. in view of Hsel et al. and further in view of Hansen et al. (U.S. 7,312,318, hereafter "Hansen").

Applicant notes that Hansen is only 102(e)/103 prior art to the instant application and shares a common inventor with the instant application. Applicant's representative states that Hansen (U.S. Patent 7,312,318) and the subject matter claimed in the instant application were commonly owned, or subject to an obligation of assignment to the same person (Immunomedics,

Inc.) at the time the claimed invention was made. Therefore Hansen is disqualified as 102(e)/103 prior art under 35 U.S.C. 103(c).

Applicant further notes that claim 14 was considered to be free of the prior art. Since the limitations of claim 14 have been incorporated into each of the independent claims – claims 1, 18, 32, 37 and 45, Applicant respectfully asserts that all of the independent claims, and their respective dependent claims, are now allowable over the prior art.

### **Conclusion**

In conclusion, Applicant respectfully submits that the pending claims as amended are all in condition for allowance and an early decision to that effect is requested.

Respectfully submitted,

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